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10/538,879	06/14/2005	Junichi Nakamura	SONYJP 3.3-1038	8796

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
MCINTYRE, CHARLES AARON	

ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,879	NAKAMURA ET AL.	
	Examiner	Art Unit	
	C. Aaron McIntyre	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,10 and 30* is/are pending in the application.

4a) Of the above claim(s) *none* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,10 and 30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20100208; 20100225*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1. This final Office action responds to the amendment and arguments received from Applicants on 12 April 2010 in reply to the previous Office action on the merits, mailed 12 January 2010.

2. Claims 1-5, 8, 10, and 30 are pending.

3. Claims 1-5, 8, 10, and 30 have been examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,212,980 to Nakamura et al., hereinafter referred to as Nakamura, in view of U.S. Publication No. 2002/0180782 to Natsuno, in further view of U.S. Patent No. 6,542,870 to Matsumoto.

6. Regarding **claim 1**, Nakamura discloses an electronic apparatus ([fig. 3]) having one or more functions ("*functions*" [fig. 3]) on which use limitations ("*trial periods*" [fig. 7]) can be imposed ("*if you agree, press [ok]*" fig. 7]), comprising:

a processor operable to execute ("*system*" [col. 2, ll. 26-34]) said one or more functions ("*system ... provides the target functions*" [col. 2, ll. 26-34]);

storage ("*storage section*" [fig. 1]) operable to store contents of use limitations ("*1 Month*" or "*40 days*" [fig. 7]; "*period is set by the management program*" [col. 6, ll. 37-54]) for said one or more functions ("*functions*" [col. 2, ll. 26-34]),

the processor being operable to reference a representation of said contents of use limitations ("*1 Month*" or "*40 days*" [fig. 7]; "*In the display of FIG. 7 are shown the trial periods of the respective functions in addition to the functions available for trial*" [col. 6, ll. 37-54]) stored in said storage ("*storage section*" [fig. 1]; "*period is set by the management program*" [col. 6, ll. 37-54]) to determine said contents of use limitations for said one or more functions ("*functions thus selected by the CPU 24 are listed up on display as shown in FIG. 6 ... FIG. 7 are shown the trial periods of the respective functions in addition to the functions available for trial*" [col. 6, ll. 37-54]; [figs. 6-7]), and

being operable to execute said one or more functions only as permitted by said contents of use limitations ("*In the case where the judgment shows that all the functions specified in step S13 are operational, a period capable of trial is set by the management program*" [col. 7, ll. 50-67]; "*Are all the specified functions capable of operation? – S15" and "Is there any function [a]vailable for trial? - S18*" [fig. 10]); and

[a] receiving unit ("*input a function release electronic key*" [fig. 4(a)]) operable to receive use-permitting key information ("*electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]),

wherein the use-permitting key information ("*electronic key*" [fig. 4(a)]) is from a source of use permission ("*service center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]) which transmits ("*issues*" [col. 5, ll. 19-33]) the use-permitting key information ("*electronic key*" [fig. 4(a)]), and

wherein said contents of use limitations are derived ("*user can proceed to the authorized use of a function program by the input of an electronic key which releases the function program from access-protect (function release)*" [col. 5, l. 57 - col. 6, l. 11]) from said use-permitting key information ("*input a function release electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]).

7. But Nakamura does not explicitly disclose an infrared light receiving unit operable to receive information transmitted by infrared communication and transmitting information over a network and a mobile terminal having an infrared ray communication function.

8. However, Matsumoto teaches an infrared light receiving unit ("*light receiving unit – 21*" *and* "*infrared-ray I/F driver – 22*" [fig. 3]) operable to receive information ("*information to the light receiving unit 21*" [col. 7, ll. 51-55]) transmitted by infrared communication ("*infrared ray signal*" [col. 7, ll. 51-55]) and transmitting information over a network ("*capable of exchanging various kinds of information by way of transmission line 3 which is typically implemented by a public line network*" [col. 4, l. 66 - col. 5, l. 7]; [fig. 1]; [fig. 3]) and a mobile terminal having an infrared ray communication function ("*Remote Commander – 91*" *and* "*infrared-ray I/F driver – 22*" [fig. 3]).

9. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included an infrared light

receiving unit operable to receive information transmitted by infrared communication and transmitting information over a network and a mobile terminal having an infrared ray communication function, in accordance with the teaching of Matsumoto, in order to increase convenience and mobility by providing a wireless device capable of performing the use limited functions because an infrared light receiving unit would be a useful wireless standard to support.

10. Additionally, Nakamura does not explicitly disclose use-permitting key information transmitted from an external mobile terminal having a wireless communication function and operable to connect to a source of use permission over a network, wherein the use-permitting key information is acquired by the external mobile terminal.

11. However, Natsuno teaches use-permitting key information ("*Obtain and Update Control Information – SD4*" [fig. 10]; "*Key Successfully Obtained? – SF4*" [fig. 12]) transmitted ("*transmit control information*" [0079]; [0082]; "*video game console GM communicate with the content control apparatus CC1 via the mobile phone MS1*" [0059]; [0075-0076]; [fig. 9]) from an external mobile terminal ("*via the mobile phone MS1*" [0059]; [0075-0076]; [fig. 9]) having a wireless communication function ("*Mobile Packet Communication Network – MPN*" [fig. 1]) and operable to connect to a source of use permission ("*communicate with the content control apparatus CC1 via the mobile phone MS1*" [0059]; [0075-0076]; [fig. 9]) over a network ("*Mobile Packet Communication Network – MPN*" [fig. 1]), wherein the use-permitting key information is acquired ("*Obtain and Update Control Information – SD4*" [fig. 10]; "*Key Successfully Obtained? – SF4*" [fig. 12]) by the external mobile terminal ("*communicate with the content control apparatus CC1 via the mobile phone MS1*" [0076]).

12. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included use-permitting key information transmitted from an external mobile terminal having a wireless communication function and operable to connect to a source of use permission over a network, wherein the use-permitting key information is acquired by the external mobile terminal, in accordance with the teaching of Natsuno, in order to increase convenience and mobility by providing an external wireless device, such as the Internet enabled phone of Natsuno that can separately acquire the use-permitting key information because this would eliminate the need for the electronic apparatus to be able to access the Internet thereby increasing security.

13. Regarding **claim 2**, Nakamura discloses wherein said contents of use limitations represent at least one of a number of days said one or more functions are permitted to be executed ("*40 days*" [fig. 7]), a number of times said one or more functions are permitted to be executed ("*predetermined number of times*" [col. 9, ll. 1-25]), or a time period in which said one or more functions are permitted to be executed ("*predetermined duration of time*" [col. 11, ll. 59-67]).

14. Regarding **claim 3**, Nakamura discloses a storage means operable to record at least one of: the number of days said one or more functions has been executed, or the number of times said one or more functions has been executed ("*number of use according to a use status*" [col. 14, ll. 34-40]) by said processor ("*system*" [col. 2, ll. 26-34]),

wherein said processor is operable to reference said number of days or times of use stored in said storage ("*control section 22 checks whether it is within a trial period*" [col. 8, ll. 64-67 – col. 9, ll. 1-24]; step S43 [fig. 12]) to determine at least one of said number of days or said number of times ("*examining whether or not the number of use of trial reached a predetermined number of times"* [col. 8, ll. 64-67 – col. 9, ll. 1-24]) to control execution of said one or more functions ("*thereby terminating the process*" [col. 8, ll. 64-67 – col. 9, ll. 1-24]).

15. But Nakamura does not explicitly disclose that the second storage means is distinct from the first storage means.

16. However, it is admitted prior art that if two sets of data can be stored in one storage device, the second set of data can alternatively be stored in a second storage device.

17. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included a second storage, in accordance with the admitted prior art, in order to allow data to be manipulated separately without the chance of manipulating the first set of data by providing a separate storage location.

18. Regarding **claim 4**, Nakamura discloses an operating input unit operable to receive operator input representing second ("*Press [Start Trial], or Input a Function Release Electronic Key*" [fig. 4(b)]) use-permitting key information ("*Input a Function Release Electronic Key*" [fig. 8(a)]; [fig. 4(a)-4(b)]) supplied from a source of use permission ("*electronic key thus issued*" [col. 5, ll. 19-33]),

wherein said contents of use limitations are derived ("*user can proceed to the authorized use of a function program by the input of an electronic key which releases the function program*

from access-protect (function release)" [col. 5, l. 57 - col. 6, l. 11]) from said second ("*Press [Start Trial], or Input a Function Release Electronic Key*" [fig. 4(b)]) use-permitting key information ("*input a function release electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]).

19. Regarding **claim 30,** Nakamura discloses a system comprising:

an electronic apparatus ([fig. 3]) having one or more functions ("*functions*" [fig. 3]) on which use limitations ("*trial periods*" [fig. 7]) can be imposed ("*if you agree, press [ok]*" fig. 7]), including:

a processor operable to execute ("*system*" [col. 2, ll. 26-34]) said one or more functions ("*system ... provides the target functions*" [col. 2, ll. 26-34]);

storage ("*storage section*" [fig. 1]) operable to store contents of use limitations ("*1 Month*" or "*40 days*" [fig. 7]; "*period is set by the management program*" [col. 6, ll. 37-54]) for said one or more functions ("*functions*" [col. 2, ll. 26-34]),

the processor being operable to reference a representation of said contents of use limitations ("*1 Month*" or "*40 days*" [fig. 7]; "*In the display of FIG. 7 are shown the trial periods of the respective functions in addition to the functions available for trial*" [col. 6, ll. 37-54]) stored in said storage ("*storage section*" [fig. 1]; "*period is set by the management program*" [col. 6, ll. 37-54]) to determine said contents of use limitations for said one or more functions ("*functions thus selected by the CPU 24 are listed up on display as shown in FIG. 6 ... FIG. 7 are shown the trial periods of the respective*

functions in addition to the functions available for trial" [col. 6, ll. 37-54]; [figs. 6-7]),

and

being operable to execute said one or more functions only as permitted by said contents of use limitations ("*In the case where the judgment shows that all the functions specified in step S13 are operational, a period capable of trial is set by the management program*" [col. 7, ll. 50-67]; "*Are all the specified functions capable of operation? – S15" and "Is there any function [a]vailable for trial? - S18*" [fig. 10]); and

[a] receiving unit ("*input a function release electronic key*" [fig. 4(a)]) operable to receive said use-permitting key information ("*electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]),

wherein said contents of use limitations are derived ("*user can proceed to the authorized use of a function program by the input of an electronic key which releases the function program from access-protect (function release)*" [col. 5, l. 57 - col. 6, l. 11]) from said use-permitting key information ("*input a function release electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]).

20. But Nakamura does not explicitly disclose a mobile terminal having a wireless communication function and an infrared ray communication function, and an infrared light receiving unit operable to receive information acquired over a network from the source of use permission by, and transmitted by infrared communication from, the mobile terminal.

21. However, Matsumoto teaches a mobile terminal ("*remote commander – 91*" [fig. 3]) having a wireless communication function ("*infrared ray signal*" [col. 7, ll. 51-55]) and an infrared ray communication function ("*infrared ray sig*nal" [col. 7, ll. 51-55]), and an infrared

light receiving unit ("*light receiving unit – 21" and "infrared-ray I/F driver – 22*" [fig. 3]) operable to receive information ("*information to the light receiving unit 21*" [col. 7, ll. 51-55]) acquired over a network ("*capable of exchanging various kinds of information by way of transmission line 3 which is typically implemented by a public line network*" [col. 4, l. 66 - col. 5, l. 7]; [fig. 1]; [fig. 3]) from the source of use permission ("*Remote Commander – 91*" [fig. 3]) by, and transmitted by infrared communication ("*infrared ray signal*" [col. 7, ll. 51-55]) from, the mobile terminal ("*remote commander*" [fig. 3]), and transmitting information over a network ("*capable of exchanging various kinds of information by way of transmission line 3 which is typically implemented by a public line network*" [col. 4, l. 66 - col. 5, l. 7]; [fig. 1]; [fig. 3]).

22. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included a mobile terminal having a wireless communication function and an infrared ray communication function, and an infrared light receiving unit operable to receive information acquired over a network from the source of use permission by, and transmitted by infrared communication from, the mobile terminal, in accordance with the teaching of Matsumoto, in order to increase convenience and mobility by providing a wireless device capable of performing the use limited functions because an infrared light receiving unit would be a useful wireless standard to support.

23. Additionally, Nakamura does not explicitly disclose a mobile terminal operable to connect to, and acquire use-permitting key information from, a source of use permission over a network; and an electronic apparatus being external to the mobile terminal.

24. However, Natsuno teaches a mobile terminal ("*via the mobile phone MS1*" [0059]; [0075-0076]; [fig. 9]) operable to connect to ("*communicate with the content control apparatus*

CC1 via the mobile phone MS1" [0059]; [0075-0076]; [fig. 9]), and acquire use-permitting key information ("*Obtain and Update Control Information – SD4*" [fig. 10]; "*Key Successfully Obtained? – SF4*" [fig. 12]) from, a source of use permission ("*content control apparatus CC1*" [0076]) over a network ("*Mobile Packet Communication Network – MPN*" [fig. 1]); and an electronic apparatus ("*Video Game Console– GM*" [fig. 1]) being external to the mobile terminal ("*Mobile Phone – MS1*" [fig. 1]).

25. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included a mobile terminal operable to connect to, and acquire use-permitting key information from, a source of use permission over a network; and an electronic apparatus being external to the mobile terminal, in accordance with the teaching of Natsuno, in order to increase convenience and mobility by providing an external wireless device, such as the Internet enabled phone of Natsuno that can separately acquire the use-permitting key information because this would eliminate the need for the electronic apparatus to be able to access the Internet thereby increasing security.

26. Claims 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Natsuno, in further view of Matsumoto, in still further view of U.S. Patent No. 6,223,166 to Kay.

27. Regarding **claim 5**, Nakamura discloses a scanner ([fig. 1]) operable to read second use-permitting key information ("*Press [Start Trial], or Input a Function Release Electronic Key*" [fig. 4(b)]), wherein said contents of use limitations are derived ("*user can proceed to the*

authorized use of a function program by the input of an electronic key which releases the function program from access-protect (function release)" [col. 5, l. 57 - col. 6, l. 11]) from said second ("*Press [Start Trial], or Input a Function Release Electronic Key*" [fig. 4(b)]) use-permitting key information ("*input a function release electronic key*" [fig. 4(a)]; "s*ervice center, etc., issues a predetermined electronic key*" [col. 5, ll. 19-33]).

28. But Nakamura does not explicitly disclose a bar code readout unit operable to read use-permitting key information, printed as a bar code, supplied from a source of use permission.

29. However, Kay teaches a bar code readout unit ("*portable scanner*" [col. 4, ll. 29-41]) operable to read use-permitting key information ("*scan the ticket bar code for authentication*" [col. 4, ll. 29-41]), printed as a bar code ("*bar code*" [col. 4, ll. 29-41]), supplied from a source of use permission ("*Ticket Server*" [fig. 1]).

30. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included a bar code readout unit operable to read use-permitting key information, printed as a bar code, supplied from a source of use permission, in accordance with the teaching of Kay, in order to provide an easily transportable hard copy ticket containing the use-permitting key information for added convenience.

31. Regarding **claim 8**, Nakamura discloses an electronic apparatus ([fig. 3]) but does not explicitly disclose operable to transmit identifying information for identifying the electronic apparatus and a request for permission for using the electronic apparatus over a network to a server of a source of use permission.

32. However, Kay teaches operable to transmit ("*electronic tickets are transmitted*" [col. 4, ll. 29-41]; [fig. 1]) [event] identifying information ("*selects a ticket for purchase to an event*" [abstract]) for identifying the [event] ("*code is compared against the event description*" [abstract]) and a request for permission for using the [event] ("*ticket is accepted for admission to the event*" [abstract]) over a network ("*electronically linked*" [col. 3, ll. 27-48]) to a server ("*to a web site 18*" [col. 3, ll. 27-48]; [fig. 1]) of a source of use permission ("*for selection and purchase by an operator of the remote user station*" [col. 3, ll. 27-48]).

33. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included operable to transmit identifying information for identifying the electronic apparatus and a request for permission for using the electronic apparatus over a network to a server of a source of use permission, in accordance with the teaching of Kay, in order to provide increased accessibility by using a network to request and receive the electronic ticket from a centralized location.

34. Regarding **claim 10**, Nakamura discloses a storage operable to store the number of days or times said one or more functions has been used ("*number of use according to a use status*" [col. 14, ll. 34-40]) in said function executing unit ("*system*" [col. 2, ll. 26-34]),

wherein said processor ("*control section*" [col. 2, ll. 8-18]) when requested to execute said one or more functions ("*FIG. 12 ... flow of the process ... function of the subprogram P20 is used*" [col. 8, ll. 39-63]) references the contents of use limitations ("*control section 22 checks whether it is within a trial period*" [col. 8, ll. 64-67 – col. 9, ll. 1-24]; *Step S43* [fig. 12]) stored in said storage and said information representing at least one of the number of days or the number

of times of use of said one or more functions ("*examining whether or not the number of use of trial reached a predetermined number of times*" [col. 8, ll. 64-67 – col. 9, ll. 1-24]), said information being stored in said storage ("*storage section*" [fig. 1]; "*period is set by the management program*" [col. 6, ll. 37-54]) to control execution of said one or more function ("*thereby terminating the process*" [col. 8, ll. 64-67 – col. 9, ll. 1-24]).

35. But Nakamura does not explicitly disclose that the second storage means is distinct from the first storage means.

36. However, it is admitted prior art that if two sets of data can be stored in one storage device, the second set of data can alternatively be stored in a second storage device.

37. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Nakamura so as to have included a second storage, in accordance with the admitted prior art, in order to allow data to be manipulated separately without the chance of manipulating the first set of data by providing a separate storage location.

Claim Interpretation

38. After careful review of the original specification, the Examiner is unable to locate any lexicographic definitions with the required clarity, deliberateness, and precision. See MPEP § 2111.01 IV.

39. The Examiner finds that because the examined claims (*i.e.* claims 1-20) recite neither "step for" nor "means for," the examined claims fail Prong (A) as set forth in MPEP §2181 I. Because all examined claims fail Prong (A) as set forth in MPEP §2181 I., the Examiner

concludes that all examined claims do not invoke 35 U.S.C. §112, 6th paragraph. See also Ex parte Miyazaki, 89 USPQ2d 1207, 1215-16 (B.P.A.I. 2008)(precedential).

Definitions

40. The Examiner hereby adopts the following definitions under the broadest reasonable interpretation standard. In accordance with *In re Morris,* 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997), the Examiner points to these other sources to support his interpretation of the claims.[1] Additionally, these definitions are only a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language. Finally, the following list is not intended to be exhaustive in any way:

a. ***Server***: "2. On the Internet or other network, a computer or program that responds to commands from a client." Computer Dictionary, 3rd Edition, Microsoft Press, Redmond, WA, 1997.

Response to Arguments

41. Applicants' arguments with respect to claims 1-5, 8, 10, and 30 have been considered but are moot in view of the new grounds of rejection.

[1] While most definition(s) are cited because these terms are found in the claims, the Examiner may have provided additional definition(s) to help interpret words, phrases, or concepts found in the definitions themselves or in the prior art.

Conclusion

42. Applicants' amendment received 12 April 2010 necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

43. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

44. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to C. Aaron McIntyre whose telephone number is (571) 270-5401. The Examiner can normally be reached on Monday to Friday 9-6 ET.

45. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

46. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. M./
Examiner, Art Unit 3621
July 17, 2010

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621